

REMARKS

Claims 1-100 are pending. The Office action previously indicated claims 4-6, 11-13, 16, 17, 20, 21, 23-25, 28-32, 38-46, 52-60, 66-74, 79-82, 85-88, 91-94 and 97-100 were allowable, but then issued a new rejection in the Office Action. Claims 1, 2, 7-10, 14, 18, 22, 26, 33, 34, 36, 37, 47, 48, 50, 51, 61, 62, 64, 65, 77, 78, 83, 84, 89, 90, 95 and 96 were previously cancelled in effort to permit the allowable claims to issue, however in view of the new rejection, these claims are reinstated. Applicants respectfully traverse and request reconsideration.

Claim Rejections – 35 USC §102

The Office Action rejects claims 5, 11, 12, 16, 17, 20, 21, 28, 29, 38, 39, 41-43, 45, 46, 52, 53, 55-57, 59, 60, 66, 67, 69-71, 73 and 74 under 35 U.S.C. § 102 as being anticipated based on US Patent No. 4,402,118 (Benedetti).

Benedetti

According to the Office Action, the claimed hindrance portion and depression both correspond to the outwardly angled lead portions (50,52) described in Benedetti. The Office Action fails to show where Benedetti teaches, among other things, the claimed depression. Benedetti instead teaches "[t]he trailing angle portions 42,44 have rounded outwardly angled lead portions 50,52 to facilitate placing the clip on the projection as illustrated in FIG. 4." (Benedetti Col. 3 lines 4-6). Therefore, rather than teach either a hindrance portion or a depression, the cited portion of Benedetti instead teaches "rounded outwardly angled lead portions 50,52." Id. These rounded outwardly angled lead portions 50,52 are used to facilitate placing the clip on the projection as illustrated in FIG. 4. Id. Fig. 3 merely shows the lead portions 50,52 as the mere ends of the legs 34, 36 with no depression shown. Benedetti teaches

the lead portions 50,52 “permitting the clip to pass onto the projection.” (Benedetti Col. 3 lines 39-40). Also, the office action sites to merely one object in Benedetti, the lead portions 50,52, to teach two limitations, both the hindrance portion and the depression. Thus, the Office Action does not recognize the distinction between the hindrance portion and the depression. For at least these reasons, the Office Action fails to show how Benedetti teaches each and every element as arranged in the claims. Therefore, the Office Action fails to establish how Benedetti anticipates the claims. Thus, the rejection should be withdrawn.

Regarding independent claims 11, 38, 52, 66, the office action merely cites to Figs. 1-8 of Benedetti to recite the claimed “fastener can be extracted when pulled by the extension without damage to said fastener.” If this rejection is maintained, then a specific citation to Benedetti teaching this claim limitation is requested. The Office Action fails to teach, among other things, the “fastener can be extracted when pulled by the extension without damage to said fastener.” For at least this reason, the Office Action fails to teach how Benedetti anticipates the claims. Withdrawal of this rejection is therefore requested.

Smith

The Office Action on pages 3 and 6 appears to cite to Smith, however it does not appear that the Office Action asserts that Smith teaches each and every element as arranged in the claims. If the Office Action asserts that the combination of Smith and another reference is required, then a 102 anticipation rejection is improper. The relevant arguments made in previous Office Actions are repeated including those showing that Smith is disqualified as prior art. Smith is disqualified as prior art according to 35USC 103 (C) because Smith is owned by the same person or subject to an obligation of assignment to the same person as the instant application, as recorded at reel/frame: 016360/0835. MPEP 706.02(I)(1). Therefore, the Office

Action fails to assert a rejection based on Smith and further fails to establish how Smith anticipates the claims. Withdrawal of the rejections is requested.

Osterland

The Office Action rejects claims 5, 6, 11, 12, 16, 17, 20, 21, 25, 28-31, 38, 39, 41-43, 45, 46, 52, 53, 55-57, 59, 60, 66, 67, 69-71, 73 and 74 under 35 U.S.C. § 102(b) as being anticipated based on US Patent No. 6,928,705 (Osterland). The Office Action fails to show where Osterland as cited teaches, among other things, a depression. According to the Office Action, the concave engaging surface 50 corresponds to both the claimed hindrance portion and the claimed depression. The Office Action also fails to show what part of the concave engaging surface 50 corresponds to the engagement portion or to the hindrance portion. However, rather than show a depression as claimed, the concave surface 50 as shown in Figs. 4 and 5B instead is merely a bend (exterior convex portion) on each abutting flanges 28. The specification of the Osterland reference limits this bend to a radius of 2 to 4 mm and 15 to 25 degrees. (Osterland Col. 4 lines 1-2). Thus, Osterland merely describes a mere bend and not a depression as claimed. For at least these reasons, Osterland is distinguishable from the claims.

Further, rather than show where Osterland teaches "the depression has a deepest part, a back side substantially lacking a front side and a width" the Office Action merely cites to Figs. 1-21 without specifically showing or citing to 1) a deepest part, 2) a back side and 3) a back side lacking a front side and a width.. Further yet, rather than show where Osterland teaches "the hindrance portion comprises only one ripple having the form of a depression (50)" the Office Action merely cites again to the concave surface. If the rejection is maintained, then the Applicants request a specific citation to Osterland for teaching 1) the ripple having the form of a depression 2) a deepest part, 3) a back side and 4) a back side lacking a front side and a width

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pursuant to 37C.F.R. 1.104(C)(2). Further, since Osterland lacks the claimed ripple and depression, Osterland also fails to teach "said ripple providing increased removal force" among other things. Since Osterland fails to teach a ripple or a depression, the frictional engagement area of the Osterland clip is less than the frictional engagement available from the ripple and depression. Thus, the Osterland clip functions differently in a different way to produce a different result. Therefore, the Office Action fails to show how Osterland teaches each and every element as arranged in the claims. For at least these reasons, the Office Action fails to establish how Osterland anticipates the claims. As a result, the rejection should be withdrawn.

Claim Rejections – 35 USC §103

Claims 13, 32, 40, 54, and 68

The Office Action rejects claims 13, 32, 40, 54, and 68 under 35 U.S.C. § 103(a) as being unpatentable based solely on (Osterland). The Office Action acknowledges that Osterland does not disclose where the gradually decreasing slope has the shape of an arch with a radius of 0.03 to 0.05 mm and further does not disclose a relief opening in the vicinity of the bottom of the spring fastener. Applicants repeat the relevant arguments made above. These dependent claims dependent on relevant independent claims 1, 33, 38, 47, 52, 61, and 66 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable. Reconsideration and withdrawal of the rejections is respectfully requested.

The Office Action fails to show where Osterland as cited teaches, among other things "a radius in the range of 0.03 -0.05 mm." Instead, Osterland explicitly describes "a radius of the concave surface 50 generally can be between 3.5 to 6.0 millimeters and preferably 4.75 millimeters" and further preferably 2.3 millimeters. (Osterland Col. 3 lines 65 through Col. 4 line 2). Nevertheless, the modification of Osterland is improper for the reasons stated below.

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The modification as suggested by the Office Action and not in the reference, in radius from 2.3 millimeters to 0.03 – 0.05 mm, would improperly reduce the engagement properties sought in Osterland. (Osterland Col. 3 lines 55 through 61). Therefore, if Osterland is modified as asserted in the Office Action, the resulting lack of engagement would both change the principle of operation sought by Osterland and render the Osterland inoperable. See MPEP 2143.01 V & VI. As a result, the combination of Smith modified by Osterland as asserted in the Office Action fails to teach each and every element as arranged in the claims. Thus, there is no suggestion or motivation to make the proposed modification. *Id.* For at least these reasons, the Office Action has not established a *prima facie* case of obviousness. Therefore, withdrawal of the rejection is respectfully requested. If this rejection is maintained, then the Applicants request support for the Official Notice taken in the Office Action.

Claims 23, 24, 44, 58, and 72

The Office Action rejects claims 23, 24, 44, 58, and 72 under 35 U.S.C. § 103(a) as being unpatentable based on (Osterland) in view of US Patent # 6,279,207 (Vassilou). The Office Action acknowledges that Osterland does not disclose “the material from which the spring fastener was made from has a thickness, and the front ends of the outside outer barbs are at a distance from the second side smaller than the thickness of said material.” Further, the Office Action does not assert that Vassiliou teaches “the material from which the spring fastener was made from has a thickness and the front points of the outside barbs are at a distance from the second side smaller than the thickness of the material.” Applicants repeat the relevant arguments made above. These dependent claims dependent on relevant independent claims 1, 33, 38, 47, 52, 61, and 66 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable.

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Claims 79-82, 85-88, 91-94 and 97-100

The Office Action rejects claims 79-82, 85-88, 91-94 and 97-100 under 35 U.S.C. § 103(a) as being unpatentable based on (Osterland) in view of US Patent # 6,381,811 (Smith). The Office Action acknowledges that Osterland fails to disclose a molded elastic body at least under the top portion of said spring fastener. Applicants repeat the relevant arguments made above. For at least these reasons the references do not render the claims obvious.

Regarding the dependent claims, the dependent claims depend on independent claims 1, 11, 33, 38, 47, 52, 61, 66, 75 and 76 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable. Reconsideration and withdrawal of the rejections is respectfully requested.

Applicants respectfully submit that now the claims are in condition for allowance, and an early Notice of Allowance is earnestly solicited. The Examiner is invited to telephone the below-listed attorney at 708-588-0948 if the Examiner believes that a telephone conference will expedite the prosecution of the application.

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